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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,856	11/05/2001	Thomas P. Stossel	B0801/7232	7592

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EXAMINER

AFREMOVA, VERA

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 01/03/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/007,856

Applicant(s)
Stossel et al.

Examiner
Vera Afremova

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1651



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 5, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13, 15, 35-38, 45, 46, 48, 53-57, 67, and 68 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-4, 13, 15, 35-38, 45, 46, 48, 53-57, 67, and 68 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claims 1-4, 13, 15, 35-38, 45, 46, 48, 53-57, 67 and 68 are pending and subject to restriction requirement.

Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to a first method for identifying a platelet clearance antagonist in a first system comprising a chilled platelet and a liver macrophage, classified in class 435, subclass 7.2, for example.
- II. Claim 2, drawn to a second method for identifying a platelet clearance antagonist in a second system comprising an isolated platelet ligand and a liver macrophage, classified in class 435, subclass 7.21, for example.
- III. Claim 3, drawn to a third method identifying a platelet clearance antagonist in a third system comprising an isolated platelet ligand and a liver macrophage receptor, classified in class 435, subclass 7.1, for example.
- IV. Claim 4, drawn to a fourth method identifying a platelet clearance antagonist in fourth system comprising a chilled platelet and a liver macrophage receptor, classified in class 435, subclass 7.24, for example.
- V. Claims 13 and 15, drawn to a method for preparing platelets for transfusion, classified in class 424, subclass 93.72, for example.

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- VI. Claims 35-37, drawn to a method for forming a medicament comprising chilled platelets and platelet clearance antagonists, classified in class 424, subclass 130.1, for example.
- VII. Claims 38, 45 and 46, drawn to a composition comprising platelets and platelet clearance antagonists, classified in class 424, subclass 172.1, for example.
- VIII. Claims 48 and 53-56, drawn to a method for increasing platelets circulatory time by administering platelet clearance antagonists, classified in class 424, subclass 9.1, for example.
- IX. Claim 57, drawn to a method for treating a subject in need of platelets by administering two compositions, classified in class 424, subclass 9.1, for example.
- X. Claims 67 and 68, drawn to a method for identifying a platelet lesion cleavage agent, classified in class 435, subclass 7.4, for example.

The inventions are distinct, each from the other because of the following reasons:

The methods listed above are distinct from one another because they recite different steps in different systems which lead to different effects or distinct products.

For example: the screening methods of Groups I-IV are different from the Group X screening method because they result in the possession of two different products or two different agents as claimed such as a "platelet clearance antagonist" and a "platelet cleavage agent".

The screening methods of Groups I-IV are different from each other because they require 4 different elements/components such as a chilled platelet, a liver macrophage, an isolated

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platelet ligand, a liver macrophage receptor, in various combinations for screening platelet clearance antagonist test molecules as claimed.

The methods of making compositions of Group V and Group VI are different because they results in the possession of different compositions as claimed comprising either platelet antagonist bind to a platelet ligand on a chilled platelet (Group V) or a mixture of chilled platelets with a liver macrophage receptor antagonist (Group VI).

The composition of Group VII is different from the compositions made by methods of Group V and VI because it does not require the use of chilled platelets as required for the products made by methods of Groups V and VI as claimed. But the composition of Group VII requires particular or specific liver macrophage receptor antagonists which are not required in the methods of Groups V and VI as claimed.

The methods of administrations of Groups VIII and IX are different because they require administration of different compositions such as a composition with platelet clearance antagonists alone in the method of Group VIII and a composition with platelets clearance antagonists in combination with platelets in the method of Group IX.

The several inventions listed above are independent and distinct from one another as they have acquired a separate status in the art and require independent searches, particularly with regard to the literature searches. Clearly, a reference which would anticipate one of the above groups would not necessarily anticipate or even make obvious any of the others. Because these

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inventions are distinct for the reasons given above restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CAR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vera Afremova whose telephone number is (703) 308-9351. The examiner can normally be reached on Monday to Friday from 9:00 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn, can be reached on (703) 308-4743. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Vera Afremova

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December 30, 2002.

VERA AFREMOVA

PATENT EXAMINER

